THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.14513 OF 2007

DATED: 07-08-2007

Between :

K. Srinivasa Rao … Petitioner

And

The Food Corporation of India, rep. By its General Manager and another. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.14513 OF 2007

ORDER :

The petitioner herein was granted a contract by the 2nd respondent – Food Corporation of India (FCI) for Handling & Transportation from FCI Depot Dichapalli to Railway Goods Shed, Nizamabad. It appears that the petitioner made some of the required deposits and by letter dated 13-10-2006 the 2nd respondent requested the petitioner to obtain labour licence from the Assistant Labour Commissioner, Mancherial. The petitioner was also informed that the balance 50% of the security deposit of Rs.3,60,000/- would be recovered at 5% from each admitted bill and the contract period shall be 2 years from the date of commencement of the work. However, immediately thereafter by telegram dated 28-10-2006 the petitioner was informed that the order dated 13-10-2006 had been kept in abeyance until further orders pending enquiry as to the genuineness of the certificates of experience submitted by the petitioner. The petitioner states that having received the said telegram he made a representation dated 6-11-2006 requesting the 2nd respondent to dispose of the matter at the earliest to enable him to commence the work. Alleging that the respondents failed to consider his representation, this writ petition was filed on 6-7-2007.

Pursuant to the notice ordered by this Court, the 2nd respondent filed a counter-affidavit stating that on the basis of a complaint received alleging that the certificates of experience submitted by the petitioner along with tender papers were not true and genuine, the

Corporation ordered an enquiry into the matter and the enquiry report dated 28-6-2007 revealed that the certificates submitted by the petitioner were not genuine and that he had no experience in transportation of food-grains and rake handling which are very essential for performing the awarded contract.

On the basis of the said report, while the Corporation was about to issue further proceedings, the 2nd respondent herein who was the previous contractor filed W.P.No.4942 of 2006 challenging the contract awarded in favour of the petitioner. As the said writ petition is pending, the Corporation thought it fit to await the orders of this Court since the matter is *sub judice*.

Having heard the learned Counsel for both the parties and having regard to the stand taken by the respondents in the counter-affidavit, I do not find any justifiable reason warranting interference by this Court at this stage. As a matter of fact, since no final order as such is passed, the Writ Petition itself is premature.

Accordingly, the Writ Petition is dismissed leaving it open to the respondents to take appropriate steps following due process of law. No costs.

G. ROHINI, J.

Dt. 07–08-2007
gbs
Note:- CC in one week.